

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raphael Mendez,

Case No. 20-cv-1084 (WMW/HB)

Petitioner,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Warden S. Kallis and Unit Team 2 *et al*,

Respondents.

This matter is before the Court on the September 28, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Hildy Bowbeer. (Dkt. 17.) The R&R recommends that this Court (1) deny Petitioner Raphael Mendez's petition for a writ of habeas corpus; (2) deny Mendez's motion inviting a representative from the United States Attorney's Office to visit the Federal Medical Center at Rochester; (3) deny Mendez's request for an evidentiary hearing; and (4) dismiss Unit Team 2 as a Respondent. Mendez filed timely objections to the R&R.

A district court reviews de novo those portions of an R&R to which an objection is made and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *accord* Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). When a party fails to file specific objections to an R&R, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not

entitled to *de novo* review, but rather are reviewed for clear error”). A district court reviews for clear error any aspect of an R&R to which no specific objection is made. *See Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Mendez is *pro se*, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

The Court has reviewed the objections filed by Mendez. Even construing the objections liberally, they either lack sufficient specificity or lack legal merit. Therefore, the Court overrules the objections. Having carefully reviewed the R&R, the Court finds that it is neither clearly erroneous nor contrary to law.

Based on the R&R, the foregoing analysis, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The objections to the R&R filed by Petitioner Raphael Mendez, (Dkt. 18), are **OVERRULED**.
2. The September 28, 2020 R&R, (Dkt. 17), is **ADOPTED**.
3. Petitioner Raphael Mendez’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, (Dkt. 1), is **DENIED**.
4. Petitioner Raphael Mendez’s motion inviting a representative from the United States Attorney’s Office to visit the Federal Medical Center at Rochester to view his living conditions and assess his medical condition, (Dkt. 9), is **DENIED**.

5. Petitioner Raphael Mendez's request for an evidentiary hearing, (Dkt. 14), is

DENIED.

6. Respondent Unit Team 2 is **DISMISSED**.

7. This case is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: January 12, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge